



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JAN 20 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Shannon Williams, P.E.  
Chief Executive Officer  
Capital Region Water  
Harrisburg, Pennsylvania 17101-7107

Re: **EPA, et al PADEP v. Capital Region Water and City of Harrisburg**  
**Civil Action No. 1:15-cv-00291-WWC (M.D. Pa)**  
**Demand for Stipulated Penalties**

Dear Ms. Williams:

On behalf of the United States, the U. S. Environmental Protection Agency is hereby demanding the payment of stipulated penalties by Capital Region Water (CRW) for violations of and in accordance with the above-referenced Consent Decree. Section X. of the Consent Decree provides for the assessment of stipulated penalties and sets forth the amounts which may be assessed for each specific Consent Decree violation.

Paragraph 27 of the Consent Decree prohibits the discharge of sanitary sewer overflows (SSOs). Paragraph 32 of the Consent Decree requires compliance with all effluent limits set forth in the CRW National Pollutant Discharge Elimination System (NPDES) Permit No. PA 0027197. Paragraph 33.a. of the Consent Decree states that all dry weather overflows (DWOs) from the Combined Sewer System are prohibited. CRW has violated each of these Consent Decree provisions on one or more occasions.

From November 9, 2015 through March 21, 2016, CRW had eleven (11) DWOs in violation of Paragraph 33.a. of the Decree, for which a total stipulated penalty of \$5,500 is assessed.

On October 9, 2015 and April 20, 2016, CRW had two (2) SSOs, caused by 1) a broken sewer line, and 2) a blocked sewer line, for which a total stipulated penalty of \$1,000 is assessed.

Finally, CRW exceeded its NPDES effluent limits for monthly ammonia concentration three (3) times from August through October 2105, for which a total stipulated penalty of \$9,000 is assessed.

The total stipulated penalty demand is \$15,500 for the violations described above.



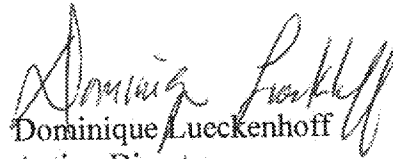
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Included with this letter is a summary detailing each of the Consent Decree violations and the associated stipulated penalty assessed for each one.

According to Paragraph 58 of the Consent Decree, one half of the stipulated penalty amount - \$7,750 - is to be paid to the United States and one half to the Commonwealth of Pennsylvania, within thirty (30) days of a written demand, in the manner specified in Paragraphs 58 a. and b.

Your cooperation in this matter is appreciated. If you have technical questions regarding this matter, please contact Mr. Steve Maslowski, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Ms. Deane Bartlett, Senior Assistant Regional Counsel, at (215) 814-2776.

Sincerely,

  
Dominique Lueckenhoff  
Acting Director  
Water Protection Division

Enclosure:

cc: Nancy Flickinger, Esq., U.S. Department of Justice  
Steven A. Hann, Esq.  
Deane H. Bartlett, Esq. EPA  
Steve Maslowski, EPA  
Nels Taber, Esq., PADEP  
Victor Landis, PADEP

## Summary of Consent Decree Violations by Capital Region Water

### Effluent Limit Violations

| Date           | Parameter                                      | Reported Value | Permit Limit | CD Requirement and Penalty Amount<br>Paragraph 55. b. |
|----------------|--|----------------|--------------|---|
| August 2015    | Ammonia<br>Monthly<br>Average<br>Concentration | 19 mg/L        | 11 mg/L      | Paragraph 32<br>\$3,000                               |
| September 2015 | Ammonia<br>Monthly<br>Average<br>Concentration | 21 mg/L        | 11 mg/L      | Paragraph 32<br>\$3,000                               |
| October 2015   | Ammonia<br>Monthly<br>Average<br>Concentration | 17 mg/L        | 11 mg/L      | Paragraph 32<br>\$3,000                               |

### Dry Weather Overflows and Sanitary Sewer Overflows

| Date                        | Violation Description  | Overflow Volume | CD Requirement and Penalty Amount<br>Paragraph 55. a. |
|-----------------------------|--|-----------------|---|
| October 9 -13, 2015         | SSO at Reilly Street & Asylum Run caused by blockage and a broken sewer line | Unknown         | Paragraph 27<br>\$500                                 |
| November 9, 2015            | DWO at CSO 039 caused by blocked box   | 760 gallons     | Paragraph 33.a<br>\$500                               |
| December 20, 2015           | SSO at Reilly Street & Asylum Run caused by blockage of sewer line           | Unknown         | Paragraph 27<br>\$500                                 |
| January 4, 2016             | DWO at CSO 039 caused by blocked box   | Unknown         | Paragraph 33.a<br>\$500                               |
| January 15, 2016            | DWO at CSO 029 caused by blocked siphon                                      | 128 gallons     | Paragraph 33.a<br>\$500                               |
| February 19, 2016           | DWO at CSO 025 caused by blocked siphon                                      | 98 gallons      | Paragraph 33.a<br>\$500                               |
| February 25 – March 1, 2016 | DWO at CSO 048 that occurred more than 48 hours after a wet weather event    | Unknown         | Paragraph 33.a<br>\$500                               |
| February 27, 2016           | DWO at CSO 031 that occurred more than 48 hours after a wet weather event    | Unknown         | Paragraph 33.a<br>\$500                               |

| <b>Date</b>       | <b>Violation Description</b>  | <b>Overflow Volume</b> | <b>CD Requirement and Penalty Amount Paragraph 55. a.</b> |
|-------------------|---|------------------------|---|
| February 27, 2016 | DWO at CSO 034 that occurred more than 48 hours after a wet weather event | Unknown                | Paragraph 33.a<br>\$500                                   |
| March 9, 2016     | DWO at CSO 057 caused by a blocked gate                                   | Unknown                | Paragraph 33.a<br>\$500                                   |
| March 13, 2016    | DWO at CSO 013 caused by a blocked gate                                   | 296 gallons            | Paragraph 33.a<br>\$500                                   |
| March 21, 2016    | DWO at CSO 039 caused by blocked siphon                                   | 132 gallons            | Paragraph 33.a<br>\$500                                   |
| March 22, 2016    | DWO at CSO 029 caused by blocked siphon                                   | 232 gallons            | Paragraph 33.a<br>\$500                                   |